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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,162	10/31/2003	Karsten Mann	081276-1020	9845

23409 7590 10/04/2004

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EXAMINER

WALLING, MEAGAN S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

MY

Office Action Summary	Application No. 10/698,162	Applicant(s) MANN ET AL.	
	Examiner Meagan S Walling	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 5-7 are objected to because of the following informalities: Claims 5-7 read, "Method according to one of Claim 1," instead of merely "to Claim 1". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Knebel et al. (US 4,694,512).

Regarding claims 1 and 9, Knebel et al. teaches a separating ratio of a mixing valve or a mixing ratio is determined by comparing a target quantity with an actual measured quantity, characterized in that a correction value that is computed during operation is taken into consideration in calculating the separating ratio or mixing ratio (MR) (column 1, lines 38-41).

Regarding claims 2 and 10, Knebel et al. teaches that a real mixing ration (MR_{real}) is computed to calculate the correction value and is compared with the prescribed mixing ration (MR_{target}) (column 2, line 65 – column 3, line 5).

Regarding claims 3 and 11, Knebel et al. teaches that the correction value is formed from an output quantity of a superimposed control unit (see Ref. 12).

Regarding claims 4 and 12, Knebel et al. teaches that the superimposed control unit is an integral control unit (see Ref. 12).

Regarding claim 5 and 13, Knebel et al. teaches that additional characteristic quantities, particularly a volume flow through the mixing valve (12), an outside temperature and/or an air flow rate through a heat exchanger (16), are taken into consideration in forming the correction value (column 2, lines 28-31).

Regarding claim 8 and 16, Knebel et al. teaches that the mixing valve (12) is permanently calibrated by means of taking the correction values into consideration (column 1, lines 47-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 7, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knebel et al. in view of Aschner et al. (US 6,161,383).

Knebel et al. teaches all of the limitations of claims 6, 7, 14, and 15 except the limitation that a plurality of correction values are stored in a correction characteristic curve (current claims 6 and 14) and a plurality of correction values or a plurality of correction characteristic curves are stored in a characteristic diagram (current claims 6, 7, 14, and 15).

Regarding claims 6, 7, 14, and 15, Aschner et al. teaches a characteristic diagram containing values in a characteristic curve (column 10, lines 5-12).

Art Unit: 2863

It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Knebel et al. with the teachings of Aschner et al. to form a characteristic curve and a characteristic diagram. The motivation for making this combination would be to store different correction values based on different factors such as temperature (see Aschner et al, column 10, lines 9-10).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw


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